

# **JOURNAL OF THE SENATE**

## **EIGHTY-EIGHTH SESSION**

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FIFTEENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, January 30, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. John Armstrong, followed by the Pledge of Allegiance led by Senate page Katie Haines.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the fourteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

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1 Also MR. PRESIDENT:

2 The Committee on Taxation respectfully reports that it has had under consideration SB 99  
3 and 144 which were deferred to the 41<sup>st</sup> Legislative Day.

4 Respectfully submitted,  
5 Ryan Maher, Chair

6 Also MR. PRESIDENT:

7 The Committee on Local Government respectfully reports that it has had under  
8 consideration SB 126 and returns the same with the recommendation that said bill do pass and  
9 be placed on the consent calendar.

10 Also MR. PRESIDENT:

11 The Committee on Local Government respectfully reports that it has had under  
12 consideration SB 93 and 128 which were tabled.

13 Also MR. PRESIDENT:

14 The Committee on Local Government respectfully reports that it has had under  
15 consideration SB 109 and 167 which were deferred to the 41<sup>st</sup> Legislative Day.

16 Respectfully submitted,  
17 Mark Kirkeby, Chair

18 Also MR. PRESIDENT:

19 The Committee on State Affairs respectfully reports that it has had under consideration  
20 SB 117, 146, and 223 and returns the same with the recommendation that said bills do pass.

21 Also MR. PRESIDENT:

22 The Committee on State Affairs respectfully reports that it has had under consideration  
23 SB 118 and 204 and returns the same with the recommendation that said bills do pass and be  
24 placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration  
3 SB 210 and returns the same with the recommendation that said bill be referred to the  
4 Committee on Agriculture and Natural Resources.

5 Respectfully submitted,  
6 Larry Rhoden, Chair

7 Also MR. PRESIDENT:

8 The Committee on Health and Human Services respectfully reports that it has had under  
9 consideration SB 168 and HB 1019 and 1020 and returns the same with the recommendation  
10 that said bills do pass.

11 Also MR. PRESIDENT:

12 The Committee on Health and Human Services respectfully reports that it has had under  
13 consideration SB 120 and returns the same with the recommendation that said bill do pass and  
14 be placed on the consent calendar.

15 Respectfully submitted,  
16 Jean M. Hunhoff, Chair

17 **MESSAGE FROM THE HOUSE**

18 MR. PRESIDENT:

19 I have the honor to transmit herewith HB 1030, 1035, 1073, 1087, 1096, 1098, 1106, and  
20 1130 which have passed the House and your favorable consideration is respectfully requested.

21 Respectfully,  
22 Arlene Kvislen, Chief Clerk

23 **MOTIONS AND RESOLUTIONS**

24 Sen. Brown moved that SB 44 be referred from the Committee on State Affairs to the  
25 Committee on Transportation.

26 Which motion prevailed.

1 Sen. Olson moved that when we adjourn today, we adjourn to convene at 12:30 p.m. on  
2 Thursday, January 31, the 16<sup>th</sup> legislative day.

3 Which motion prevailed.

4 **CONSIDERATION OF REPORTS OF COMMITTEES**

5 Sen. Olson moved that the reports of the Standing Committees on

6 Education on SB 96 as found on page 258 of the Senate Journal; also

7 Commerce and Energy on SB 139 as found on page 259 of the Senate Journal; also

8 Agriculture and Natural Resources on SB 161 as found on page 260 of the Senate Journal  
9 be adopted.

10 Which motion prevailed.

11 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

12 HB 1030: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building  
13 Authority to finance the construction of improvements in the state park system for the  
14 Department of Game, Fish and Parks and to declare an emergency.

15 Was read the first time and referred to the Committee on State Affairs.

16 HB 1035: FOR AN ACT ENTITLED, An Act to allow electronic submission and record  
17 keeping of placed in service reports.

18 Was read the first time and referred to the Committee on Commerce and Energy.

19 HB 1073: FOR AN ACT ENTITLED, An Act to establish a procedure for the  
20 determination of the competency of a juvenile to proceed in a juvenile court matter.

21 Was read the first time and referred to the Committee on Judiciary.

22 HB 1087: FOR AN ACT ENTITLED, An Act to provide for the creation of school sentinel  
23 programs and for the training of school sentinels.

24 Was read the first time and referred to the Committee on State Affairs.

1 HB 1096: FOR AN ACT ENTITLED, An Act to transfer on death deeds for real property.

2 Was read the first time and referred to the Committee on Judiciary.

3 HB 1098: FOR AN ACT ENTITLED, An Act to increase the bonding limit for the four  
4 technical institutes.

5 Was read the first time and referred to the Committee on State Affairs.

6 HB 1106: FOR AN ACT ENTITLED, An Act to revise certain Limited Liability Company  
7 statutes.

8 Was read the first time and referred to the Committee on Commerce and Energy.

9 HB 1130: FOR AN ACT ENTITLED, An Act to revise the amount of personal property  
10 exempt from levy in bankruptcy cases.

11 Was read the first time and referred to the Committee on Judiciary.

12 **SECOND READING OF CONSENT CALENDAR ITEMS**

13 HB 1032: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
14 money, clothing, and transportation furnished inmates released from the Department of  
15 Corrections.

16 Was read the second time.

17 The question being "Shall HB 1032 pass?"

18 And the roll being called:

19 Yeas 35, Nays 0, Excused 0, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
22 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
23 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden;  
24 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

25 So the bill having received an affirmative vote of a majority of the members-elect, the  
26 President declared the bill passed and the title was agreed to.

**HONORED GUESTS**

The President introduced the 2011-2012 Outstanding School Administrators of South Dakota: Rocky Brinkman, secondary principal, Andes Central; Jeff Rieckman, middle school principal, Haakon; Chrissy Peterson, special ed director, Meade; Tanya Rasmussen, curriculum director, Harrisburg; Marcia Jackson, business manager, Hot Springs; Tim Kusters, elementary principal, Lead-Deadwood; Bob Sittig, superintendent, Baltic; and Melinda Jensen, assistant secondary principal, Brookings, to the body.

**SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

SB 156: FOR AN ACT ENTITLED, An Act to authorize township boards to increase the front foot assessment for road maintenance, repairs, and improvements and to revise certain provisions concerning road districts established by townships.

Was read the second time.

The question being "Shall SB 156 pass as amended?"

And the roll being called:

Yeas 32, Nays 3, Excused 0, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Nays:

Lucas; Otten (Ernie); Peters

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 157: FOR AN ACT ENTITLED, An Act to revise the distribution from the wind energy tax fund.

Was read the second time.

Sen. Brown requested a fiscal note on SB 157.

Which request was supported.

1 SB 181: FOR AN ACT ENTITLED, An Act to provide licensing reciprocity for social  
2 workers.

3 Was read the second time.

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5 Sen. Brown moved that SB 181 be amended as follows:

6 On the Senate Health and Human Services Committee engrossed bill, delete everything  
7 after the enacting clause and insert:

8 "Section 1. That § 36-26-18 be amended to read as follows:

9 36-26-18. An applicant shall be exempted from the requirement for any examination  
10 provided in this chapter if:

- 11 (1) ~~He satisfies the board that he~~ The applicant is licensed or registered under the laws  
12 of a state or territory of the United States that imposes substantially the same  
13 requirements as this chapter;
- 14 (2) Pursuant to the laws of such state or territory, ~~he~~ the applicant has taken and passed  
15 an examination similar to that for which exemption is sought;
- 16 (3) The applicant provides verification of licensure on a form provided by the board from  
17 any state in which the applicant holds a license, as well as has held a license;
- 18 (4) The applicant provides official transcripts from the college or university which  
19 conferred the degree; and
- 20 (5) If applying for a license as a certified social worker-private independent practice, the  
21 applicant provides proof of supervision from the state from which original licensure  
22 was obtained. The board may waive this requirement, upon establishing the state is  
23 unable to provide the documentation.

24 Section 2. That chapter 36-26 be amended by adding thereto a NEW SECTION to read as  
25 follows:

26 The board may enter into a national or multi-state licensing compact to provide licensing  
27 reciprocity for social workers."

28 Which motion prevailed.

29 The question being "Shall SB 181 pass as amended?"

30 And the roll being called:



1 Yeas 35, Nays 0, Excused 0, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
4 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
5 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
6 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 So the bill having received an affirmative vote of a majority of the members-elect, the  
8 President declared the bill passed and the title was agreed to.

9 SB 158: FOR AN ACT ENTITLED, An Act to provide for the funding of educational  
10 programs for children in residential treatment centers, intensive residential treatment centers,  
11 or licensed group care centers.

12 Was read the second time.

13 The question being "Shall SB 158 pass?"

14 And the roll being called:

15 Yeas 35, Nays 0, Excused 0, Absent 0

16 Yeas:

17 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
18 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
19 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
20 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

21 So the bill having received an affirmative vote of a majority of the members-elect, the  
22 President declared the bill passed and the title was agreed to.

23 SB 1: FOR AN ACT ENTITLED, An Act to revise the provisions regarding plugging and  
24 performance bonds for oil and gas wells and to repeal the supplemental restoration bond  
25 requirement.

26 Was read the second time.

27 The question being "Shall SB 1 pass?"

28 And the roll being called:

29 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
3 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
4 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
5 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the  
7 President declared the bill passed and the title was agreed to.

8 SB 6: FOR AN ACT ENTITLED, An Act to determine whether factors affecting  
9 productivity should be applied if the actual use of agricultural land does not correspond to the  
10 soil classification standards.

11 Was read the second time.

12 The question being "Shall SB 6 pass?"

13 And the roll being called:

14 Yeas 24, Nays 11, Excused 0, Absent 0

15 Yeas:

16 Begalka; Bradford; Buhl; Ewing; Frerichs; Hunhoff (Jean); Jensen; Jones; Kirkeby; Krebs;  
17 Lederman; Lucas; Maher; Monroe; Otten (Ernie); Rampelberg; Rave; Rhoden; Sutton;  
18 Tidemann; Tieszen; Vehle; Welke; White

19 Nays:

20 Adelstein; Brown; Heineman (Phyllis); Holien; Johnston; Novstrup (Al); Olson (Russell);  
21 Omdahl; Peters; Soholt; Van Gerpen

22 So the bill having received an affirmative vote of a majority of the members-elect, the  
23 President declared the bill passed and the title was agreed to.

## 24 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

25 HB 1055: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
26 unemployment insurance employer charges and claimant misrepresentation regarding benefit  
27 overpayments and to correct references to certain provisions pertaining to unemployment  
28 insurance.

29 Was read the second time.

30 The question being "Shall HB 1055 pass?"

31 And the roll being called:

1 Yeas 30, Nays 5, Excused 0, Absent 0

2 Yeas:

3 Adelstein; Begalka; Brown; Buhl; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
4 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Novstrup (Al); Olson (Russell);  
5 Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van  
6 Gerpen; Vehle; Welke; White

7 Nays:

8 Bradford; Ewing; Maher; Monroe; Omdahl

9 So the bill having received an affirmative vote of a two-thirds majority of the members-  
10 elect, the President declared the bill passed and the title was agreed to.

11 **SIGNING OF BILLS**

12 The President publicly read the title to

13 HB 1066: FOR AN ACT ENTITLED, An Act to continue the current rate of the gross  
14 receipts tax imposed on visitor-related businesses.

15 And signed the same in the presence of the Senate.

16 Sen. Krebs moved that the Senate do now adjourn, which motion prevailed and at  
17 3:04 p.m. the Senate adjourned.

18 Jeannette Schipper, Secretary